

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x

In re DHB INDUSTRIES, INC. CLASS ACTION  
LITIGATION

NECA-IBEW PENSION FUND (THE DECATUR  
PLAN), RS HOLDINGS GROUP, Lead Plaintiffs,  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,

-against-

MEMORANDUM & ORDER  
05-CV-4296(JS)(ETB)

DHB INDUSTRIES, INC., DAVID H. BROOKS,  
TERRY BROOKS, DAVID BROOKS INTERNATIONAL  
INC., ANDREW BROOKS INTERNATIONAL INC.,  
ELIZABETH BROOKS INTERNATIONAL INC.,  
SANDRA HATFIELD, DAWN M. SCHLEGEL, CARY  
CHASIN, JEROME KRANTZ, GARY NADELMAN and  
BARRY BERKMAN,

Defendants.

-----x

In re DHB INDUSTRIES, INC. DERIVATIVE  
LITIGATION

THOMAS HUSTON, derivatively on behalf of  
DHB Industries, Inc.,

Plaintiff,

-against-

ORDER  
05-CV-4345(JS)(ETB)

DHB INDUSTRIES, INC., as a nominal  
defendant, DAVID H. BROOKS, SANDRA  
HATFIELD, DAWN M. SCHLEGEL, JEROME  
KRANTZ, GARY NADELMAN, CARY CHASIN,  
BARRY BERKMAN, and LARRY ELLIS,

Defendants.

-----x

In re DHB INDUSTRIES, INC. DERIVATIVE  
LITIGATION

ROBERT PUCEK, individually and on behalf  
of all others stituated,

Plaintiff,

-against-

ORDER

05-CV-4331(JS)(ETB)

DHB INDUSTRIES, INC., as a nominal  
defendant, DAVID H. BROOKS, SANDRA  
HATFIELD, and DAWN M. SCHLEGEL,

Defendants.

-----x

Appearances:

For Plaintiffs In  
Putative Class Action:

Lynda J. Grant, Esq.  
Christopher J. Keller, Esq.  
Nicole M. Zeiss, Esq.  
Labaton, Sucharow & Rudoff LLP  
100 Park Avenue, 12<sup>th</sup> Floor  
New York, New York 10017-5563

William S. Lerach, Esq.  
Keith F. Park, Esq.  
Thomas G. Wilhelm, Esq.  
Lerach Coughlin Stoia Geller Rudman &  
Robbins LLP  
655 W. Broadway, Suite 1900  
San Diego, CA 92101

Samuel Rudman, Esq.  
Lerach Coughlin Stoia Geller  
Rudman & Robbins LLP  
58 South Service Road, Suite 200  
Melville, New York 11747

For Plaintiffs In  
Derivative Action:

Thomas Amon, Esq.  
Law Offices of Thomas Amon  
500 Fifth Avenue, Suite 1650  
New York, New York 10110

Brian Robbins, Esq.  
Robbins, Umeda & Fink LLP  
610 West Ash Street, Suite 1800  
San Diego, California 92101

For Intervenor  
Plaintiff, Lena Bedik:

Kim Elaine Miller, Esq.  
Kahn Gauthier Swick, LLC  
114 E. 39<sup>th</sup> Street

New York, New York 10016

For Defendants:

David H. Brooks:

Christopher Neil Gray, Esq.  
George S. Cannellos, Esq.  
Milbank Tweed Hadley & McCloy LLP  
One Chase Manhattan Plaza  
New York, New York 10005

John F. Sylvia, Esq.  
Adam L. Sisitsky, Esq.  
Jerome Gotkin, Esq.  
Robert Popeo, Esq.  
Mintz Levin Cohn Ferris Glovsky & Popeo  
PC  
One Financial Center  
Boston, Massachusetts 02111

Jerome Gotkin, Esq.  
Mintz Levin  
666 Third Avenue  
New York, New York 10017

For Sandra Hatfield:

Christopher Neil Gray, Esq.  
George S. Cannellos, Esq.  
Milbank Tweed Hadley & McCloy LLP  
One Chase Manhattan Plaza  
New York, New York 10005

Roland G. Riopelle, Esq.  
Sercarz & Riopelle, LLP  
152 W. 57<sup>th</sup> Street, 24<sup>th</sup> Floor  
New York, New York 10019

For Dawn M. Schlegel,  
Larry Ellis:

Christopher Neil Gray, Esq.  
George S. Cannellos, Esq.  
Milbank Tweed Hadley & McCloy LLP  
One Chase Manhattan Plaza  
New York, New York 10005

Michael S. Kim, Esq.  
Kobre & Kim  
888 Seventh Avenue  
New York, New York 10019

For Jerome Krantz,  
Gary Nadelman, Cary  
Chasin, Barry Berkman:

Mark Holland, Esq.

Mary K. Dulka, Esq.  
Clifford Chance US LLP  
31 W. 52<sup>nd</sup> Street  
New York, New York 10019

For DHB Industries, Inc.: David Paul Kasakove, Esq.  
Bryan Cave LLP  
1290 Avenue of the Americas  
New York, New York 10104

Leigh Michele Nemetz, Esq.  
Richard B. Harper, Esq.  
R. Stan Mortenson, Esq.  
Seth T. Taube, Esq.  
Baker Botts, LLP  
30 Rockefeller Plaza  
New York, New York 10112

For Andrew Brooks  
International Inc.,  
Terry Brooks, David  
Brooks International,  
Inc., Elizabeth Brooks  
International, Inc.:

George S. Cannellos, Esq.  
Milbank Tweed Hadley & McCloy LLP  
One Chase Manhattan Plaza  
New York, New York 10005

Pending before the Court are three motions: (1) a motion for protective order brought by Defendant Dawn M. Schlegel (docket entry # 109 in matter 05-4296) (2) a motion to strike the Amended Complaint brought by Defendant David H. Brooks (docket entry # 119 in matter 05-4296), (3) and an identical motion to strike brought by Defendant David H. Brooks (docket entry # 40 filed in matter 05-4331).

At two status conferences, Defendants represented to Magistrate Judge E. Thomas Boyle that the motions should be held in abeyance while the parties underwent settlement negotiations. This Court conducted a hearing for preliminary approval of settlement on

January 19, 2007. At this hearing, the parties represented to the Court that any motions to dismiss were withdrawn without prejudice. On March 13, 2007, Lead Plaintiffs filed another motion for settlement.

In light of the foregoing, the Court deems the above-stated three motions - the motion for protective order and the two identical motions to strike in matters 05-4296 and 05-4331 - deemed withdrawn without prejudice. Should the matters fail to settle, the parties are given leave to re-file these motions.

The Court also notes that the parties continue to file documents in matter 05-CV-4331. The parties should only file documents in two matters: the first being 05-4296 as the lead case for the class action and the second being 05-4345 as the lead case for the derivative action. The parties should no longer file documents in matter 05-CV-4331 or any other related matters. The Clerk of the Court is ordered to administratively close matter with docket number 05-CV-4331.

SO ORDERED.

/s/ JOANNA SEYBERT  
JOANNA SEYBERT, U.S.D.J.

Dated: Central Islip, New York  
March 26, 2007